

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants - Prohibition and Excise Department - Allegations of corruption against Sri S. Sai Swaroop, Prohibition & Excise Sub-Inspector, Gudiwada, Krishna District - Trapped on 29.6.1998 - Placed under suspension & reinstated into service - Prosecution - Acquitted - Action Dropped - Regularisation of suspension period - Orders - Issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

**G.O.Rt.No. 1378.**

**Dated:16.09.2009.**

**Read the following:-**

1. Commissioner, Proh. & Excise, AP, Hyderabad Proceedings Cr. No. 21/98/C.PE/SR, Dt: 20.7.1998.
2. Orders of APAT dt:30.3.2000 in O.A.No. 5226/1999 filed by Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector.
3. Procs. of Dy.Commr. P&E, Kakinada Rc. No. A2/2136/98, Dt: 27.9.2000.
4. G.O.Ms.No.953, Rev. (Excise I)Dept. Dt:29.12.2000.
5. Dy. Commr.P&E, Kakinada Division, EG. Dist., Procs. Rc. No.A1/1143/98-2, Dt: 10.10.2002.
6. High Court of A.P, orders dt: 7.7.2003 in W.P.No.4319/2004 filed by Govt.
7. Govt. Memo No. 49339/vig.II(2)/2001-7, Rev. (Vig.II) Dept. Dt: 8.9.2003.
8. Judgment dt: 30.6.2006 in CC No. 10/2001 of Spl. Judge for SPE & ACB Cases, Vijayawada.
9. Govt. Memo No. 38513/Vig.V(1)/2005-5, Rev. (Vig.V) Dept. Dt: 5.5.2008.
10. From the C.PE, Letter Cr. No. 21/1998/C.PE/SR.I, Dt: 25.9.2008.
11. Govt. Memo No. 50492/Vig.V(1)/2008-1, Rev. (Vig.V) Dept. Dt: 23.10.2008.
12. From the C.PE, Letter Cr. No. 21/98/C.PE-SR.I, Dt: 5.2.2009.

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**O R D E R:-**

In the reference 1<sup>st</sup> read above, Sri S. Sai Swaroop, Prohibition & Excise Sub- Inspector, Gudiwada, Krishna District was placed under suspension on the allegation of corruption and when he demanded and accepted a bribe of Rs.10,000/- from the complainant on 29.6.1998 for doing official favour. Aggrieved by the suspension, Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector has filed O.A.No. 5226/1999 and as per orders of A.P.Administrative Tribunal in the reference 2<sup>nd</sup> read above, the Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector was reinstated into service vide reference 3<sup>rd</sup> read above. The individual was continued under suspension with effect from 24.7.1998 to 30.9.2000 ie., 1<sup>st</sup> spell in the case.

2. In the reference 4<sup>th</sup> read above, sanction orders were issued to prosecute the individual in a court of competent jurisdiction. Accordingly, charge sheet was filed in the Court of Spl. Judge for SPE & ACB Cases, Vijayawada on 26.7.2001 in CC No. 10/2001. Keeping in view the filing of charge sheet, Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector was placed

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under suspension vide reference 5<sup>th</sup> read above. Aggrieved by the above, the individual filed O.A.No. 9610/2002 before the A.P. Administrative Tribunal. The Hon'ble Tribunal in its orders dt: 22.10.2002 in the above O.A, has set-aside the suspension orders of individual issued by the Deputy Commissioner, Prohibition & Excise, Kakinada. W.P.No. 4319/2004 was filed by the Government and the High Court in its orders dt: 7.7.2003 dismissed the W.P. filed by the Government. Keeping in view the above, Government reinstated Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector into service, pending finalization of ACB Case, vide reference 7<sup>th</sup> read above. Thus the individual was continued under suspension with effect from 11.10.2002 to 21.9.2003 in the 2<sup>nd</sup> spell in the case.

3. In the reference 8<sup>th</sup> read above, the Special Judge for Special Police Establishment and Anti Corruption Bureau Cases, Vijayawada pronounced judgment on 30.6.2006 in CC No. 10/2001, finding that the Accused Officer Sri S. Sai Swaroop, Prohibition & Excise Sub- Inspector is not guilty of the charges and acquitted him. Government, after examination of the matter, dropped further action against Sri S. Sai Swaroop, Proh. & Excise Sub-Inspector vide reference 9<sup>th</sup> read above.

4. In the references 9<sup>th</sup> & 11<sup>th</sup> read above, the Commissioner, Prohibition & Excise, Hyderabad based on the request of Sri S. Sai Swaroop, Proh. & Excise Sub- Inspector, has submitted proposals for regularization of suspension of Sri S. Sai Swaroop, Prohibition & Excise Sub- Inspector with effect from 24.7.1998 to 30.9.2000 (1<sup>st</sup> spell) and with effect from 11.10.2002 to 21.9.2003 (2<sup>nd</sup> spell) for taking further action in the matter.

5. Government after careful examination of the matter and keeping in view the judgment of Spl. Judge for SPE & ACB Cases, Vijayawda dt: 30.6.2006 in CC No. 10/2001, have observed that the suspension of Sri S. Sai Swaroop, Prohibition & Excise Sub-Inspector is wholly unjustified and decided to treat the above suspension periods as "on duty".

6. Accordingly, Government hereby order to treat the period of suspension with effect from 24.7.1998 to 30.9.2000 (1<sup>st</sup> spell) and with effect from 11.10.2002 to 21.9.2003 (2<sup>nd</sup> spell) in respect of Sri S. Sai Swaroop, Prohibition & Excise Sub- Inspector as on duty.

7. The Commissioner of Prohibition and Excise, Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri S. Sai Swaroop, Prohibition & Excise Sub-Inspector  
through the Commissioner, Prohibition & Excise, A.P., Hyderabad  
The Commissioner, Prohibition & Excise, A.P., Hyderabad  
Copy to:  
The Revenue (Excise I) Department.  
SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.